

Agency Purpose

Pursuant to M.S. 490A.01 & 490A.02, the purpose of the Board on Judicial Standards is:

- to ensure appropriate judicial conduct, and increase public confidence in the integrity and impartiality of the Minnesota judiciary;
- to ensure that all judicial officers employed by the judicial branch adhere to established standards of ethical conduct; and
- to provide a procedure to review and investigate allegations of judicial disability or misconduct, and to provide a forum to discuss questions concerning appropriate judicial behavior.

At a Glance

Jurisdiction: 542

Judges and Referees

Retired Judges

Child Support Magistrates

Discipline issued:

1 Public Reprimand

5 Admonitions

6 Warnings

16 Imposed Conditions and Adjustments

Calendar Year 2009

1,534 Total Agency Contacts

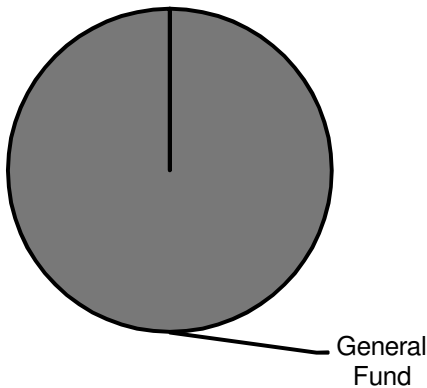
123 Full Board Determinations

306 Responses to Judge Inquiries

1,228 Responses to Public Inquires

19,372 Visits to Agency's Website

Est. FY 2010-11 Expenditures by Fund



Source: Consolidated Fund Statement.

Strategies

The board has two basic responsibilities: 1) to educate and advise the public and judicial officers as to appropriate judicial conduct; and 2) to review and investigate the complaints received on judicial disability or alleged misconduct including behavior that interferes with the performance of judicial duties or conduct prejudicial to the administration of justice. In support of these functions, the board engages in the following activities:

- receives, reviews, and investigates complaints filed against judges and judicial officers for violations of the Code of Judicial Conduct and statutes;
- issues discipline to judges and judicial officers when appropriate, including private warnings and public reprimands;
- initiates, when necessary, public proceedings against judges and judicial officers and recommends a disciplinary disposition to the

Minnesota Supreme Court, including retirement, censure, or removal from office;

- reviews judges' compliance with M.S. 546.27 and takes appropriate disciplinary action, if necessary;
- responds to all inquiries concerning judicial ethics from the public, judges, attorneys, legislature, and board members; and
- educates the public, judges, and judicial officers on judicial ethics.

Operations

The agency serves a large public statewide customer base. In the last ten calendar years, agency contacts have steadily increased. The board's primary activity is to serve the interests of the general public by determining and/or answering questions of proper judicial ethical behavior. Any person or entity may file a complaint against a judge or judicial officer.

Additionally, the staff educates and assists judges and judicial officers with questions concerning appropriate judicial conduct. The staff frequently conducts or otherwise participates in a variety of public and judicial seminars and workshops. Newly appointed judges and judicial candidates are provided information about the standards of appropriate judicial behavior.

Key Activity Goals & Measures

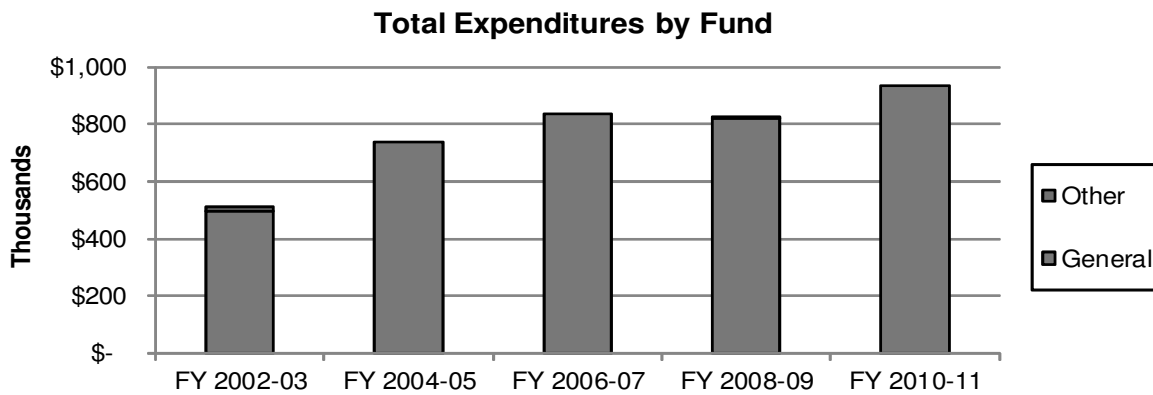
All the activities and responsibilities of the board strive to these ultimate goals:

- Efficiently and promptly review, investigate and act upon complaints of judicial misconduct;
 - In calendar year 2009, 1,534 inquiries by the public and judges were responded to by the staff within the same or next day, and then an agency pamphlet was sent to each individual.
 - The board meets every six weeks, and resolves matters within a 60-day average (where no additional inquiry or action is necessary).
 - In calendar 2009, the board issued 28 disciplinary actions, public and private.

- Ensure public confidence in the integrity and impartiality of the Minnesota judiciary;
 - The agency's website publicizes recent public discipline issued to judicial officers and advises of public disciplinary proceedings;
 - Agency estimates that 130 complaints will be received and processed in the next fiscal year and will respond to over 1,600 inquiries from the public, judges, attorneys and legislators.

- Educate and assist judges concerning judicial ethics for a knowledgeable judiciary.
 - The board issues informal or formal opinions to any judge.
 - The staff presents at the judicial orientation and various other forums to educate on judicial ethics.

Budget Trends Section



FY 2010 is estimated, not actual. Source data for the previous chart is the Minnesota Accounting and Procurement System (MAPS) as of 09/30/10.

The agency received an appropriation \$888,000 from the General Fund for FY 2010-11 budget, in addition to \$46,000 carrying forward from the previous biennium. \$250,000 is a specific line item dedicated for investigative services, attorney fees and hearing costs for disciplinary proceedings. This portion of the budget continues through the biennium since proceedings rarely begin and end within each biennium. The balance of the budget consists primarily of salaries and basic operating expenses such as rent, supplies, and telecommunication costs. Despite significant increases in the number of judicial officers, public contacts and advisory and educational activities, the full-time employees have remained constant at two since 1974. The board currently is progressing with five public hearings at this time. These hearings do involve extensive costs in the specific line item category. These additional services are retained only when necessary.

Contact

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<i>Dollars in Thousands</i>					
	Current		Forecast Base		Biennium
	FY2010	FY2011	FY2012	FY2013	2012-13
<u>Direct Appropriations by Fund</u>					
General					
Current Appropriation	446	442	442	442	884
Forecast Base	446	442	442	442	884
Change		0	0	0	0
% Biennial Change from 2010-11					-0.5%
 <u>Expenditures by Fund</u>					
Direct Appropriations					
General	457	477	442	442	884
Total	457	477	442	442	884
 <u>Expenditures by Category</u>					
Total Compensation	238	245	245	245	490
Other Operating Expenses	219	232	197	197	394
Total	457	477	442	442	884
 <u>Expenditures by Program</u>					
Judicial Standards Board	457	477	442	442	884
Total	457	477	442	442	884
 Full-Time Equivalents (FTE)	 2.0	 2.0	 2.0	 2.0	

JUDICIAL STANDARDS BOARD

Change Item: Deficiency Request for FY 2011

Preliminary Budget Option

Fiscal Impact (\$000s)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund				
Expenditures	290	0	0	0
Revenues	0	0	0	0
Other Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	290	0	0	0

Request

The Board on Judicial Standards requests a deficiency appropriation of \$290,000 in FY 2011 to conduct investigations and hearings. The additional funds are necessary in order to complete five disciplinary proceedings already in progress. This request does not affect the base budget and is considered a one-time appropriation.

Rationale

The board is presently involved in five formal judicial disciplinary and/or disability matters. Public hearings are required by the Rules of the Board on Judicial Standards. The rules require that the board justify any proposed contested discipline by clear and convincing evidence before a specially appointed panel of three members. The hearings also provide the judge to adduce evidence as well as produce and cross-examine witnesses. The decision of the hearing panel is then presented to the Supreme Court for final resolution. Each of these matters requires the board to incur the costs of the public hearings, such as court reporters, investigative services and attorney fees. Examples of alleged misconduct are the failure to comply with the constitution, conflicts of interest, improper comments about a citizen group and election irregularities. In a fifth case, the Governor requested the board to investigate the veracity of a claim of disability. In addition to counsel to represent the board, it was necessary to provide a lawyer for the judge, pursuant to the rules. The board estimates that the hearings will be completed by the close of the fiscal year. On average, the Board typically conducts one or at the most two public hearings in a two year period. This increased activity is extraordinarily unusual and was totally unanticipated. The increase in public case load is due solely to what has been brought to the board's attention.

The current appropriation has been reduced because of the recent budget reductions. The operating budget has been used for various expenditures in these investigations but cannot be used to totally supplement this unusually high volume of extra activity. The deficiency request would add to the special line in the appropriation only for "investigative hearings costs for major disciplinary actions". The request does not affect the base budget and is a one-time request. It is estimated that each hearing would require an additional \$70 - \$75. This estimation is based on previous disciplinary proceedings at this stage. Costs have been expended already in the previous fiscal years for these disciplinary matters. The most recent previous disciplinary matter cost \$186,272 to completion. The funds are used only for this purpose.

Key Goals and Measures

The legislature created the board to assure that the public maintains confidence and public trust in the Minnesota judiciary. The board is the *only* agency that monitors judicial conduct and it is the core activity of the board. The board's goal is to investigate serious charges of alleged judicial misconduct or disability and make recommendations to the Supreme Court as set out in the Rules of the Board on Judicial Standards. The board needs these funds to proceed. A delay will result in harm to the public and unfairness to the judge. The public's confidence in an efficient judicial system will be reduced. Delays not only interfere with the due process of the judge, but are detrimental to the entire judiciary. The ability of the agency to perform its statutory mission and comply with statutes is significantly hampered if funds are not available when necessary.

The board strives to:

- Promptly process and investigate complaints efficiently
- Provide due process to judges
- Adhere to the timetable set out in the Rules of the BJS to timely proceed with disciplinary proceedings

JUDICIAL STANDARDS BOARD

Change Item: Deficiency Request for FY 2011

The expenditures for this special line item for the past fiscal years are listed below. In fiscal years 2006-2010, there were three disciplinary matters requiring public hearings. The expenditures were spread through several fiscal years. In each fiscal year, investigative services were necessary. This current deficiency request, by contrast, involves five disciplinary and disability matters, all to be heard before June 30, 2011. There is no alternative to funding. The board is solely dependent on legislative appropriation. Because of the unique mission of this agency, and to avoid even the perception of a conflict of interest, no other funding mechanism is available.

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011 Budget</u>
<i>Special Proceedings</i> Expenditures 2D0	221,925	116,184	80,478	161,465	172,503	127,746

JUDICIAL STANDARDS BOARD

Change Item: Investigative and Hearings Expenditures

Preliminary Budget Option

Fiscal Impact (\$000s)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund				
Expenditures	14	14	14	14
Revenues	0	0	0	0
Other Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	14	14	14	14

Request

The Board on Judicial Standards requests an increase of \$14,000 each year to the special line item appropriation for costs of judicial disciplinary proceedings. The increase would restore a previous budget cut to its original base.

Rationale

The legislature established a special line item within the appropriation designated for investigations and hearings. This special line item was deemed necessary to avoid delays caused by the lack of funds, as well as the numerous supplemental and deficiency requests made by the board in order to continue with previously required disciplinary and/or disability proceedings. The expenditures in this line item are always unanticipated and cannot be provided for in this small agency's operating budget. The timing of deficiency requests do not coincide with the legislative sessions. The board requests that the earlier budget cuts be restored so the board can continue to provide the hearings required by law without delay. The number of disciplinary proceedings has increased substantially in the last biennium. Presently, the board is involved with five disciplinary and/or disability proceedings. During the next biennium, additional matters will require funds for attorney fees, court reporters, investigators and other related costs. These funds will be necessary in addition to the board's current caseload. The board requests that the level of funding be restored to its original appropriation of \$125, an increase request of \$14 for each fiscal year.

Key Goals and Measures

The legislature created the board to assure that the public maintains confidence and public trust in the Minnesota judiciary. The board is the *only* agency that monitors judicial conduct and it is the core activity of the board. The board's goal is to investigate charges of alleged judicial misconduct or disability and make presentations to the Supreme Court and panels appointed by the court as set out in the Rules of the Board on Judicial Standards. The board needs these funds to proceed. A delay will result in harm to the public and unfairness to the judge. The public's confidence in an efficient judicial system will be reduced. Delays not only interfere with the due process of the judge, but are detrimental to the entire judiciary. The ability of the agency to perform its statutory mission and comply with statutes is completely hampered if funds are not available when necessary.

The board strives to:

- Promptly process and investigate complaints efficiently
- Provide due process to judges
- Adhere to the timetable set out in the Rules of the BJS to timely proceed with disciplinary proceedings

The expenditures for this special line item for the past fiscal years are listed below. In fiscal years 2006-2010, there were three disciplinary matters requiring public hearings. The expenditures were spread through several fiscal years. In each fiscal year, investigative services were necessary. In FY 2011, five disciplinary and disability matters will be heard. A deficiency request has been made to proceed within FY 2011. These matters will be concluded before the Supreme Court incurring additional attorney fees in FY 2012. There is no alternative to funding. The board is solely dependent on legislative appropriation. Because of the unique mission of this agency, and to avoid even the perception of a conflict of interest, no other funding mechanism is available.

JUDICIAL STANDARDS BOARD

Change Item: Investigative and Hearings Expenditures

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011 + Defic. Req.</u>	<u>FY 2012 Proposed</u>	<u>FY 2013 Proposed</u>
<i>Investigations & Hearings</i> Expenditures								
2D0	221,925	116,184	80,478	161,465	172,503	417,746	125,000	125,000